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**Amendment No. 1 to SB0469**

**Person, Curtis**  
**Signature of Sponsor**

**AMEND Senate Bill No. 469\***

**House Bill No. 749**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following new sections:

Section 39-17-4\_\_.

(a) It is an offense for any person to knowingly sell or deliver with the intent to sell in any single over-the-counter sale:

(1) More than three (3) packages or any number of packages that contain a combined total of more than nine (9) grams, of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or

(2) More than three (3) packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of such combination drug that contain a combined total of more than nine (9) grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

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(b) This section shall supercede any municipal ordinances or regulations to the extent that such ordinance or regulations are less restrictive than the provisions of this section.

(c) This section shall not apply to:

(1) Any product labeled pursuant to federal regulation for use only in children under twelve (12) years of age;

(2) Any product that the state department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors;

(3) The sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra; or

(4) Products dispensed and sold pursuant to a prescription of a duly licensed practitioner who is authorized by the laws of this state to prescribe medications containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

(d). Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection (a) of this section

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shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

(e)

(1) A violation of this section is a Class A misdemeanor punishable by fine only.

(2) The fine for a first violation of this section shall be one hundred dollars (\$100).

(3) The fine for a second violation of this section shall be five hundred dollars (\$500).

(4) The fine for a third or subsequent violation of this section shall be two thousand dollars (\$2,000).

(5) Each sale or delivery with the intent to sell in violation of this section constitutes a separate and distinct offense.

Section 39-17-4\_\_\_. All retail merchants and any other establishment that sells at retail any product containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers or any combination product containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, is encouraged to actively

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participate in the Meth Watch program established, sponsored and operated by the Tennessee bureau of investigation.

Such program is designed to heighten awareness in the business community to the dangers and ready availability of methamphetamine in the community and to allow local businesses to aid law enforcement in the fight against this rapidly increasing problem by limiting the sale or theft of methamphetamine precursors that may later be used for illegal and dangerous purposes.

SECTION 2. This act shall take effect on July 1, 2003, the public welfare requiring it.